

**DENTISTRY EXAMINING BOARD
MADISON, WI
MINUTES
JULY 2, 2003**

PRESENT: Bruce Barrette, DDS; David Carroll, RDH; Keith Clemence, DDS; Nanette Kosydar Dreves, RDH; Judith Ficks, Wilber Gill, DDS; Karen Jahimiak, DDS; Catherine Schleis, RDH; Arthur Srb; Richard Strand, DDS; Bruce Trimble, DDS

STAFF PRESENT: Tom Ryan, Bureau Director; Jacquelynn Rothstein, Legal Counsel; Pat Schenck, Program Assistant; William Dusso, Legal Counsel and Division of Enforcement staff

GUESTS: Fred Jaeger, WDA; Mike Donohoo, WDA; Dennis Engle, WDA; Mara Brooks, WDA; Linda Jorgenson, WDHA; Peter Theo, WDHA

CALL TO ORDER

Bruce Barrette, Chair, called the meeting to order at 8:41 a.m. A quorum of 11 members was present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Amendments to Agenda:

- Move Item F “Foreign Trained Dentist Licensure” next to last in open session.
- Move “Credentialing Transitions” to the end of open session.
- Item E – Eliminated
- Add corrected page to “Administrative Rules Report” under Item J
- Add letter dated 5/10/03 to Secretary Donsia Strong Hill from Dr. Barrette to “Other Board Business.”
- Add additional information for Blair D. Moldenhauer, DDS, under Item L

MOTION: Wilber Gill moved, seconded by David Carroll, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 7, 2003

Dentistry Examining Board
July 2, 2003 Minutes

Amendments to minutes of 5/7/2003:

- Richard Strand requested that the following be added under CRDTS – Dr. Richard Strand. “The failure rate was at 18%, but the last session it was at 9%. Failure reflects changes from conjunctive scoring to compensatory scoring and relates to the changes we have made in the exam process. We have made significant improvement to not only have a reduction in the dentist failure rate but also in the dental hygiene failure rate. These are all positives.”
- Change the word cause on page 2 line 13 to course
- Omit line 23, on page 2 “when treating a patient”

MOTION: Nanette Kosydar Dreves moved, seconded by Karen Jahimiak, to approve the minutes of May 7, 2003, as amended. Motion carried unanimously.

APPROVAL OF BOARD TELECONFERENCE MINUTES OF JUNE 3, 2003

MOTION: Richard Strand moved, seconded by Nanette Kosydar Dreves, to approve the minutes of June 3, 2003. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Donsia Strong Hill reported on the Department’s budget shortfalls, including the \$833,000 annual reduction initially imposed by the Joint Finance Committee and the reduction of \$290,300 that followed submission of the Department’s fee study and recommendations. In response, the Department has targeted additional cost savings beyond the staff, travel, and compensation reductions already made. In addition to the Department’s continual effort to improve its Information Technology (IT) capacities, efficiencies will be sought by reducing the amount of agency funds expended on postage and printing, and possibly by reducing the number of Board meetings. The Secretary then asked Board members with IT experience to volunteer to serve on a Strategic Planning Committee to assist in developing IT programs. The committee anticipates meeting twice per month.

William Dusso, Legal Counsel, addressed Board members’ concerns about the budget situation. Discussion ensued regarding the required lapse to the general fund. Mr. Dusso briefly reviewed the recent history of the lapse requirement, concerns expressed by various Boards over the years, attempts to adjust and eliminate the lapse requirement and common law precedent supporting it.

The Secretary also announced that construction would soon begin to improve office space at 1400 East Washington. 3,500 square feet of space on the first floor will be remodeled to upgrade and modernize the facility. Among the planned changes are improved Board meeting rooms and staff offices.

Lastly, the Secretary announced that the Department is currently reviewing its staff evaluation process.

REPORT ON JUNE 24 MEETING AND BOARD STRATEGIES

Chairperson Barrette reported on the Board Chairs' meeting, which was hosted by Secretary Strong Hill and the Department on Tuesday, June 24, 2003. A short summary was delivered regarding the meeting.

In addition, two documents were distributed for the Board's review: 1) Legislative Fiscal Bureau Paper, No. 648, dated May 20, 2003; and 2) "Budget Points" from the Department outlining possible cuts to the Department's budget.

Chairperson Barrette alluded to the Legislative Fiscal Bureau Paper in pointing out that at the beginning of the 2003-04 year the Department had a \$1.8 million dollar surplus and that the expected revenues were \$11.4 million dollars resulting in \$13.2 million dollars in total available revenues. A lengthy discussion occurred in which the term "required lapse" was explained to the Board. A "required lapse" is a mandatory transfer of credentialing fees into the general fund. Expenditures in 2003-04 were calculated as \$10.2 million dollars for SB 44 Appropriations (Department Use) and \$1.9 million for a Required Lapse, as requested by Governor Doyle. The total expenditures would be \$12.2 million dollars. This would result in an ending balance or surplus of \$1 million dollars at the end of 2003-04.

In 2004-05, the Department would begin with a \$1 million dollar surplus, have revenues of \$9.5 million dollars, and have total available revenues of \$10.5 million dollars. On the expenditure side the SB44 Appropriation for Departmental use would be again \$10.2 million dollars and there would again be a \$1.9 million dollar Required Lapse. This would result in total expenditures of \$12.0 million dollars resulting in a negative deficit of \$1.6 million dollars at the end of 2004-05.

The Joint Finance Committee reduced the above deficit by \$1 million dollars by eliminating the Department's request for IT improvements, resulting in a \$600,000 final deficit or approximately \$300,000 deficit per fiscal year.

The Department's request for an increase in licensing fees was also denied by the Joint Finance Committee due to in part to the information provided by the Grant Thornton study commissioned by the Department in which it was stated that the proposed fee increase did not reflect the actual variable costs related to the regulation of specific occupations and businesses. However, Joint Finance left open the possibility that the Department could propose an altered fee increase at a later date. It was also pointed out that with the existing fee structure, surpluses were being created and that any proposed increases in the fee structure would not lead to improvements in the Department, but would only be transferred into the general fund.

A considerable amount of time was spent examining the Department's proposed solutions to make up the deficit. The consensus of the discussion was that the Department proposal was cutting too deep into vital board services which would result in danger to the public's safety and threaten the mission of the board. It was suggested to the Department that it examine other alternatives.

MOTION: Judith Ficks moved, seconded by Catherine Schleis, to empower the Board Chair to contact the Secretary regarding the Board's displeasure with some of the proposed budget cuts, and to empower the Board leadership to act on the Board's behalf in this respect. Motion carried unanimously.

DISCUSSION ON CONSCIOUS SEDATION

The Board took a position that in the following three areas we would be proposing rules regarding conscious sedation: 1) hours of required training, 2) titration, and 3) advertising. Proposals will be brought to the September Board meeting.

Furthermore, it was noted that additional information from Jason Goodchild DMD (D.O.C.S.) had been requested regarding a copy of the short course and all advertising materials used in both courses. To date, the Board has received none of those materials.

REPORT ON ACCREDITATION AT AURORA – NANETTE KOSYDAR DREVES

Nanette Kosydar Dreves gave a report on the GPR accreditation she attended at Aurora Health Center, Milwaukee WI..

SITE ACCREDITATION REQUEST – WAUKESHA TECHNICAL SCHOOL

MOTION: Dave Carroll moved, seconded by Richard Strand, to send Wilbur Gill to the Site Accreditation at Waukesha Technical School on September 21 to 23, 2004. Motion carried unanimously.

MOTION: Dave Carroll moved, seconded by Karen Jahimiak, to send Judith Ficks to the National Boards at Marquette on July 14 and 15, 2003. Motion carried unanimously.

**APPROVAL FOR BOARD MEMBER ATTENDANCE AT DENTAL HYGIENE
ASSOCIATION OF WISCONSIN (DHAW) MEETING**

MOTION: Judith Ficks moved, seconded by Bruce Trimble, to approve Nanette Kosydar Dreves to represent the Board at the Dental Hygiene Association of Wisconsin (DHAW) meeting in September, 2003. Motion carried unanimously.

ASHI APPROVAL FOR CPR COURSE

MOTION: Judith Ficks moved, seconded by Wilbur Gill, that Nanette Kosydar Dreves participate in the CPR professional course given by the American Safety & Health Institute and report back to the Board. Motion carried unanimously.

CRDTS STEERING COMMITTEE REPORT – DR. RICHARD STRAND

Richard Strand reported on recent activities of the CRDTS Steering Committee. The Board then reviewed and discussed the minutes from the Steering Committee's meeting in St. Louis, MO, on March 14, 2003.

AADE REPORT

Bruce Barrette, Judith Ficks and Richard Strand, informed the Board they plan to attend the AADE meeting on October 22 and 23, 2003 in San Francisco.

**REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES**

Jacquelynn Rothstein, Legal Counsel, reported that the decision to deny a license to Lisa Olson was upheld. The Board's decision of unprofessional conduct in the matter concerning Brian Painter, DDS was also upheld. The matter concerning Dr. Krahenbuhl was dismissed by the United States District Court for the Western District of Wisconsin and remains on appeal.

MOTION: Wilbur Gill moved, seconded by Judith Ficks, to seek legislative change to the law which directs forfeitures to the general school fund to the Department's fund. Motion carried unanimously.

**PRESENTATION OF PROPOSED DECISION IN THE MATTER CONCERNING
GERALD GATZKE, DDS – CASE ADVISOR – CATHERINE SCHLEIS, RDH**

Noted.

**PRESENTATION OF STIPULATION IN THE MATTER CONCERNING
DARYL G. HOLDREDGE, DDS – GREEN BAY, WI
CASE ADVISOR – NANETTE KOSYDAR DREVES, RDH**

Jack Zweig, DOE Attorney, presented the stipulation in the matter concerning Daryl G. Holdridge.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF AGENDA**

None.

INFORMATIONAL ITEMS AND CORRESPONDENCE

Noted.

CLOSED SESSION

MOTION: Judith Ficks moved, seconded by David Carroll, to adjourn to closed session pursuant to Wisconsin State statutes § 19.85 (1) (a)(b)(f) and (g) to deliberate on applications, administrative warning, order fixing costs, request for full licensure, request for 3-month stay of suspension, case status report and consulting with legal counsel. Motion carried by roll call vote: Bruce Barrette-yes, David Carroll-yes, Keith Clemence-yes, Nanette Kosydar Dreves-yes, Judith Ficks-yes, Wilber Gill-yes, Karen Jahimiak-yes, Arthur Srb-yes, Richard Strand-yes, Bruce Trimble-yes; Catherine Schleis-yes.

Open session recessed at 10:25 a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED
SESSION**

MOTION: Judith Ficks moved, seconded by David Carroll, to reconvene into open session at 1:41 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

STIPULATIONS

GERALD GATZKE, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Karen Jahimiak, to accept the Final Decision and Order in the matter concerning Gerald Gatzke. Catherine Schleis was not present for deliberations and abstained from voting. Motion carried.

DARYL G. HOLDREDGE, DDS

MOTION: Judith Ficks moved, seconded by Catherine Schleis, to accept the Stipulation, Final Decision and Order in the matter concerning Daryl G. Holdredge. Nannette Kosydar Dreves was not present for deliberations and abstained from voting. Motion carried.

BLAIR D. MOLDENHAUER, DDS

MOTION: Keith Clemence moved, seconded by Catherine Schleis, that Dr. Moldenhauer shall obtain a second opinion no later than August 20, 2003 from Dr. David Benzer as to whether inpatient treatment is indicated. If Dr. Benzer is unable to supply such an opinion by that date, the Board Chair shall designate another provider who is able to supply a second opinion no later than August 20, 2003. Dr. Moldenhauer shall begin treatment with Dr. Benzer no later than August 1, 2003. If Dr. Benzer is unable to begin treatment by that date, the Board Chair shall designate another provider who is able to do so. In the interim, Dr. Moldenhauer shall continue treatment with Dr. Jackson. Dr. Moldenhauer is granted a stay of the suspension of license #015-33331 to practice dentistry until September 10, 2003. Dr. Moldenhauer shall personally appear before the board at its September 10, 2003 meeting. Motion carried unanimously.

MOTION: Karen Jahimiak moved, seconded by Nanette Kosydar Dreves to recommend the Division of Enforcement open a complaint against Blair Moldenhauer, DDS for violating a Board order. Motion carried unanimously.

REQUEST FOR 3 MONTH STAY WITH MODIFICATIONS
JOHN F. REED, DDS

MOTION: Judith Ficks moved, seconded by Catherine Schleis, to grant the request of John F. Reed, DDS, for a 3 month stay of suspension, reduce counseling sessions from 4 to 2, but keep urine screens as ordered. Motion carried unanimously.

REQUEST FOR 3 MONTH STAY WITH MODIFICATIONS
WILLIAM BEAUPRE, DDS

MOTION: Judith Ficks moved, seconded by Richard Strand, to grant the request of William Beaupre, DDS for a 3 month stay of suspension, reduce therapy sessions from 4 to 2 but maintain frequency of urine screens at 60 per year. Motion carried unanimously.

REVIEW OF PEER REVIEW REPORT
MICHAEL BEASLEY, DDS

Noted.

REVIEW OF QUARTERLY MENTOR REPORT
HOWARD LUBIN, DDS

Noted.

REQUEST FOR 3 MONTH STAY
JAMES MARKENSON, DDS

MOTION: Wilbur Gill moved, seconded by Nanette Kosydar Dreves, to grant the request of James Markenson, DDS, for a 3 month stay of suspension. Motion carried unanimously.

REQUEST FOR 4 MONTH STAY WITH MODIFICATIONS
MICHAEL MECIKALSKI, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by David Carroll, to grant a request for a 4 month stay of suspension, but deny the request for modifications in the matter concerning Michael Mecikalski. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

01 DEN 025

MOTION: Nanette Kosydar Dreves moved, seconded by Arthur Srb, to close 01 DEN 025 for prosecutorial discretion (P1). Motion carried unanimously.

01 DEN 081

MOTION: Judith Ficks moved, seconded by Karen Jahimiak, to close 01 DEN 081 for no violation. Motion carried unanimously.

02 DEN 035

MOTION: Nanette Kosydar Dreves moved, seconded by Richard Strand, to close 02 DEN 035 for prosecutorial discretion (P1). Motion carried unanimously.

01 DEN 109

MOTION: Catherine Schleis moved, seconded by Wilber Gill, to close 01 DEN 109 for no violation. Motion carried unanimously.

02 DEN 062

MOTION: Richard Strand moved, seconded by Judith Ficks, to close 02 DEN 062 for no violation. Motion carried unanimously.

98 DEN 086

MOTION: Bruce Trimble moved, seconded by Judith Ficks, to close 98 DEN 086 for prosecutorial discretion (P3). Richard Strand and Nanette Kosydar Dreves abstained. Motion carried.

02 DEN 150

MOTION: Nanette Kosydar Dreves moved, seconded by Catherine Schleis, to close 02 DEN 150 for insufficient evidence. Motion carried unanimously.

00 DEN 090

MOTION: Karen Jahimiak moved, seconded by Judith Ficks, to close 01 DEN 090 for no violation. Motion carried unanimously.

FOREIGN TRAINED DENTIST LICENSURE

The board reviewed and discussed foreign trained dentist qualifications and licensing and agreed to have foreign-trained dentists licensed by the credentialing committee.

Deanna Zychowski discussed the credentials of two foreign trained Dentist applications for licensing by equivalency. The Board's decision was to deny a license until the applicants acquire a DDS/DMD degree from an ADA accredited dental school.

MOTION: Keith Clemence moved, seconded by Catherine Schleis, to require all foreign-trained dentists, prior to applying for Wisconsin licensure, would need to: first successfully pass National Boards Part I and II, attend an ADA accredited dental school for a minimum of 2 years, which would result in the candidate receiving a DDS/DDM degree, successfully pass either CRDTS or WREB; and in addition, all foreign trained applicants are acted on by the Credentialing Committee. Motion carried unanimously.

CREDENTIALING TRANSITIONS – CATHY POND, DEANNA ZYCHOWSKI

Cathy Pond, the Department's lead for Credentialing, reported to the Board that the Dental and Dental Hygiene renewals will be mailed in August for the 9/30/03 renewal. The credential holders will have the opportunity of renewing their credential on-line. Instructions for on-line renewal will be included with the renewal notices. Renewal licenses will be printed two days after credential holders renew on-line.

The new credential approval for endorsement and faculty license applications was discussed briefly.

MEETING ADJOURNED AT 2:30 PM

Next Meeting: Wednesday, September 10, 2003